

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION

SOUTHERN IMPERIAL, INC.
1400 Eddy Avenue
Rockford, IL 61101,

Plaintiff,

Case No. _____

v.

RETAIL DISPLAY COMPONENTS,
LTD. d/b/a RDC CYTEX
11502 Charles Road
Houston, TX 77041,

Defendant.

COMPLAINT

Plaintiff Southern Imperial, Inc. ("Southern Imperial"), by its attorneys
Reinhart Boerner Van Deuren P.C., as and for its Complaint against Defendant
Retail Display Components, Ltd. d/b/a RDC Cytex ("RDC Cytex"), alleges as
follows:

THE PARTIES

1. Plaintiff Southern Imperial is a corporation organized and existing
under the laws of the State of Illinois and has a principal place of business located
at 1400 Eddy Avenue, Rockford, IL 61101.

2. On information and belief, Defendant RDC Cytex is a partnership
organized and existing under the laws of the State of Texas and has a principal

place of business located at 11502 Charles Road, Houston, TX 77041, at which location RDC Cytex maintains a registered agent for service of process.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

4. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court may exercise personal jurisdiction over RDC Cytex based upon its contacts with this forum, including, at least, regularly and intentionally doing business in this forum.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

GENERAL ALLEGATIONS

7. Southern Imperial is, and has for many years, been engaged in the business of designing, developing and selling store fixtures, retail displays and other products for merchandising and shelf management, including particularly hinged label holders designed to clip onto storage room shelving and hold labels showing prices or other information.

8. On January 31, 2006, United States Design Patent No. D514,166, entitled "HINGED LABEL HOLDER" (the "'166 Patent"), was duly and legally issued to Inventor Michael E. Brinkman.

9. Southern Imperial is the assignee of and owns the '166 Patent.

10. Southern Imperial has sold and continues to sell its hinged label holder products covered by the '166 Patent and marks those products in accordance with 35 U.S.C. § 287.

11. RDC Cytex, without authorization or license from Southern Imperial, has made, used, offered for sale and sold in the United States label holder products that infringe the '166 Patent (hereafter the "Infringing Products"), including particularly RDC Cytex's "InfoStrip" products.

12. Upon information and belief, RDC Cytex knowingly and intentionally made, used, offered for sale and sold the Infringing Products as copies or simulations of Southern Imperial's hinged label holders so as to serve as a substitute for Southern Imperial's hinged label holders.

13. Southern Imperial provided RDC Cytex actual notice of its infringement of the '166 Patent during discussions between principals for Southern Imperial and RDC Cytex.

**COUNT I
INFRINGEMENT OF THE '166 PATENT**

14. Southern Imperial re-alleges and incorporates by reference as if fully set forth herein each of the allegations contained in paragraphs 1-13 above.

15. RDC Cytex, without Southern Imperial's authorization, has made, used, offered for sale, and/or sold in the United States, and still makes, uses, offers for sale, and/or sells in the United States, label holder products having designs that infringe the '166 Patent.

16. On information and belief, RDC Cytex's infringement has been and continues to be intentional and willful.

17. Southern Imperial has been and, unless and until RDC Cytex is enjoined by this Court, will continue to be both substantially and irreparably harmed by RDC Cytex's infringement of the '166 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Southern Imperial respectfully prays this Court for judgment in its favor and against Defendant RDC Cytex:

A. Finding that RDC Cytex has infringed, induced others to infringe, and/or contributed to the infringement of the '166 Patent;

B. Awarding damages to Southern Imperial under 35 U.S.C. § 284, together with interest and costs, for RDC Cytex's infringement of the '166 Patent;

C. Entering a permanent injunction under 35 U.S.C. § 283 enjoining RDC Cytex, its agents, sales representatives, distributors, servants and employees, attorneys, affiliates, subsidiaries, successors and assigns, and any and all persons or entities acting at, through, under or in active concert or in participation with any or all of them, from infringing the '166 Patent;

D. Finding that this case is an exceptional case under 35 U.S.C. § 285 and awarding to Southern Imperial its attorneys' fees and costs;

E. Finding that RDC Cytex's infringement of the '166 Patent was willfull and trebling the damages awarded to Southern Imperial; and

F. Awarding to Southern Imperial such other and further relief as the Court deems just and equitable.

JURY DEMAND

Plaintiff Southern Imperial hereby requests a trial by jury of all issues so triable.

Dated this 6th day of October, 2010.

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